

Sanaz Sarah Bereliani, SBN# 256465  
**BERELIANI LAW FIRM, P.C.**  
11400 W. Olympic Blvd., Ste. 200  
Los Angeles, CA 90064  
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Attorney for Debtor,  
LETITIA LOUISE WELLINGTON

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION**

In re:

Bankruptcy Case No. 2:17-bk-23651-NB

Chapter 7

LETITIA LOUISE WELLINGTON,  
Debtor

**NOTICE OF MOTION AND MOTION TO  
WITHDRAW AS COUNSEL OF RECORD;  
DECLARATION OF SANAZ S. BERELIANI  
AND MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

**Date: November 5, 2019**

**Time: 11:00am**

**Ctrm: 1545**

**255 E Temple Street  
Los Angeles, CA 90012**

**THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE;  
DEBTOR; WESLEY H. AVERY, CHAPTER 7 TRUSTEE; OFFICE OF THE UNITED  
STATES TRUSTEE, AND ALL OTHER INTERESTED PARTIES AND THEIR COUNSEL:**

**NOTICE IS HEREBY GIVEN** that Sanaz Sarah Bereliani of Bereliani Law Firm, PC  
(hereinafter "Counsel") hereby moves this Court for an order permitting Counsel of record to  
withdraw as attorney of record for the Letitia Louise Wellington (hereinafter "Debtor") in the matter

1 herein. This motion is based on the attached Declaration of Sanaz S. Bereliani and the Memorandum  
2 of Points and Authorities filed in support.

3 **NOTICE IS FURTHER GIVEN** that the Motion shall be heard on November 5, 2019, at 11:00  
4 AM or as soon thereafter as the matter may be heard, at the United States Bankruptcy Court located at  
5 255 E Temple Street, Los Angeles, CA 90012.

6 This Motion is brought pursuant to Local Bankruptcy Rule 9013-1(1)(g). Any opposition to the  
7 Motion or statement of non-opposition must be properly filed and served on Debtor's attorney, and filed  
8 with the court at least 14 days prior to the hearing on the Motion. Failure to file such an opposition may  
9 be deemed a waiver of the right to oppose the Motion, resulting in entry of an order granting the within  
10 Motion.

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12  
13 Dated: 10/4/2019

Respectfully Submitted,

14 **BERELIANI LAW FIRM, P.C.**

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16 /s/ Sanaz Sarah Bereliani  
17 Sanaz Sarah Bereliani, Esq.  
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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL OF RECORD**

The purpose of this motion is to permit Sanaz S. Bereliani to withdraw as counsel of record in the within matter. Since substituting into this matter on or about April 3, 2018, there have been communication issues between the Debtor and Attorney Bereliani. Attorney Bereliani was brought onto the case about five months after the initial filing of the case as a chapter 13 and right before it converted into a chapter 7 case by Judge Bason. Attorney Bereliani has represented the Debtor in communications with the Trustee, Trustee's attorney, appeared at multiple 341(a) hearings, and as to response and appearance of Motions for Relief and the current pending Motion to Consolidate. Throughout, there have been breakdowns in communication and sometimes lack of communication with the Debtor and Attorney Bereliani. This caused Attorney Bereliani to substitute out of the case on August 17, 2018, but was convinced to substitute back in the case to assist in resolving the universal settlement agreement between the Trustee and parties. Attorney Bereliani tried vigilantly to resolve these issues through office appointments, phone calls, multiple emails and also a visit to the Debtor's home. Unfortunately, the communication continued to dwindle and Attorney Bereliani could not reach a common ground as to the resolution of the case and the next steps available.

In the last few months, there has been no meaningful communication between the Debtor and Attorney Bereliani, even after Attorney Bereliani reached out in regards to the status of the Adversary Proceeding currently pending. Attorney Bereliani's last work in this case has been filing an Opposition to the Motion to Consolidate. On or about September 17, 2019, this filed copy was sent to the client with a substitution of attorney form and requested that it be reviewed and signed and offered to speak to explain anything in the email. No response has been provided to date from the Debtor. Again, on or about October 2, 2019, Attorney Bereliani emailed the Debtor and later followed up with a call

1 regarding this case and substitution of attorney. No response has been provided by the Debtor. If the  
2 substitution of attorney form is signed and returned by the Debtor, then this motion will be withdrawn.

3 Despite numerous attempts to communicate with the Debtor, the Debtor has not been responsive.  
4 The Debtor's failure to sign a substitution of attorney is the cause of this motion.  
5

6 **ARGUMENT**

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8 **I. Counsel HAS A DUTY TO WITHDRAW WHEN Counsel CANNOT COMMUNICATE**  
9 **WITH ITS CLIENT**

10 State Bar Rule 3-700(d) authorizes withdrawal where the conduct of the client makes it  
11 difficult for the member of the state bar to carry out the employment effectively. Debtor has not been  
12 responsive to Attorney Bereliani regarding this case and has not communicated effectively with  
13 Attorney Bereliani during the pendency of this case throughout the past year, and more so now.  
14 Counsel cannot effectively represent the Debtor in handling any additional work as it pertains to the  
15 Motion to Consolidate or any other pending actions. Moreover, even when Counsel reached out to  
16 Debtor in regards to the breakdown in communication and status of the representation, Debtor did not  
17 respond and has not signed the substitution of attorney. It is impossible for Counsel to properly  
18 represent an absentee Debtor/Client.  
19

20 **CONCLUSION**

21 Based on the above and the attached Declaration of Sanaz S. Bereliani, Counsel respectfully requests  
22 that this court permit Counsel to withdraw as counsel.  
23

24  
25 Respectfully Submitted,

26 Dated: October 4, 2019

**BERELIANI LAW FIRM, P.C.**

27 /s/ Sanaz Sarah Bereliani  
28 Sanaz S. Bereliani, Esq.

**DECLARATION OF SANAZ S. BERELIANI**  
**IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL**

1. I am an attorney at law, licensed to practice, and Counsel of record in the within action. I have personal knowledge of the foregoing facts and if called to testify I would and could competently testify thereto.
2. I substituted into the Debtor's chapter 13 case on April 3, 2018, for the purpose of responding to the Court's Order Prohibiting the Dismissal of Chapter 13 case, appearance at confirmation, and communication with creditors and trustee in relation to the above. I continued on in the case when it converted to chapter 7 in order to communicate with the Trustee and creditor(s) in resolution of the Stipulation to Sell the Debtor's home and work associated with it.
3. I represented the Debtor from April 3, 2018 until I substituted out of the case on August 17, 2018 due to breakdown in communication. I substituted back into the case on August 21, 2018 in order to assist in communication between the Debtor and the Trustee to resolve the Stipulation to sell the Debtor's home.
4. I have been representing the Debtor since then to the best of my ability, but there have been many bumps in the road in communication which prevents me from proceeding to represent the Debtor.
5. Often times my office has had to call and email multiple times to receive a response or even acknowledgement of receipt of documentation.
6. The last instance, on September 17, 2019 I communicated to the Debtor that I had prepared and filed an opposition to the Motion to Consolidate and discussed the case with her in the email. I advised her about the breakdown in communication and attached a substitution of attorney for

1 her review and signature. I offered to be available to speak about the email for clarifications or  
2 any concerns. My office has not received any responses to the September 17, 2019  
3 communication.

- 4  
5 7. On October 2, 2019, I emailed the Debtor to inform her of the status of the Motion to  
6 Consolidate hearing and reminded her of the substitution of attorney form. I asked that she sign  
7 and return this form by Friday, October 4, 2019. To date, she has not returned the signed  
8 substitution form, nor has she responded to my email with any questions or concerns.  
9  
10 8. If such substitution is received, this motion will be withdrawn.

11  
12 Respectfully Submitted,

13 Dated: October 4, 2019

**BERELIANI LAW FIRM, P.C.**

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15 /s/ Sanaz Sarah Bereliani, Esq.  
16 Sanaz S. Bereliani, Esq.  
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In re: <b>Letitia Wellington</b>	Debtor(s).	CHAPTER: 7 CASE NUMBER: 2:17-bk-23651-NB
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### PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
11400 W. Olympic Blvd.  
Suite 200  
Los Angeles, CA 90064

A true and correct copy of the foregoing document entitled (*specify*): Notice of Motion and Motion to Withdraw as Counsel of Record; Declaration of Sanaz S. Bereliani and Memorandum of Points and Authorities in Support Thereof will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 10/6/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

CHAPTER 7 TRUSTEE: Wesley H Avery (TR), wes@averytrustee.com

ATTORNEY FOR CHAPTER 7 TRUSTEE: Brett B Curlee, brett.curlee@thecurleelawfirm.com

ECF PARTY: Michael F Chekian, mike@cheklaw.com

ECF PARTY: Merdaud Jafarnia, bknotice@mccarthyholthus.com

ECF PARTY: Kristin A Zilberstein, kzilberstein@ghidottilaw.com

ECF PARTY: Stella A Havkin, stella@havkinandshrago.com

ECF PARTY: Dennis E McGoldrick, dmcgoldricklaw@yahoo.com

UNITED STATES TRUSTEE (LA): ustpreion16.la.ecf@usdoj.gov

ATTORNEY FOR DEBTOR: Sanaz S Bereliani, berelianilaw@gmail.com

☐ Service information continued on attached page

#### 2. SERVED BY UNITED STATES MAIL:

On 10/6/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

#### JUDGE

Hon. Neil W. Bason  
United States Bankruptcy Court  
255 E. Temple Street, Suite 1552  
Los Angeles, CA 90012

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 10/6/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

#### VIA EMAIL

Gregory M. Salvato: Gsalvato@Salvatolawoffices.com

Salvato Law Offices

777 So. Figueroa Street, Suite 2800

Los Angeles, CA 90017

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

10/6/2019

Ashley Johnson

/s/ Ashley Johnson

Date

Printed Name

Signature

Label Matrix for local noticing  
0973-2  
Case 2:17-bk-23651-NB  
Central District of California  
Los Angeles  
Sun Oct 6 10:59:21 PDT 2019

(p)OFFICE OF FINANCE CITY OF LOS ANGELES  
200 N SPRING ST RM 101 CITY HALL  
LOS ANGELES CA 90012-3224

Employment Development Dept.  
Bankruptcy Group MIC 92E  
P.O. Box 826880  
Sacramento, CA 94280-0001

MTGLQ Investors, LP  
C/O McCarthy & Holthus, LLP  
1770 Fourth Avenue  
San Diego, CA 92101-2607

Franchise Tax Board  
Bankruptcy Section MS: A-340  
P.O. Box 2952  
Sacramento, CA 95812-2952

Menchaca & Company LLP  
835 Wilshire Blvd Suite 300  
Los Angeles, CA 90017-2655

Los Angeles Division  
255 East Temple Street,  
Los Angeles, CA 90012-3332

Equifax  
PO Box 144717  
Orlando, FL 32814-4717

Equifax  
PO Box 740241  
Atlanta, GA 30374-0241

Equifax Info Services LLC  
Box 740256  
Atlanta, GA 30374-0256

Experian  
475 Anton Blvd  
Costa Mesa, CA 92626-7037

Experian  
NCAC  
PO Box 9556  
Allen, TX 75013

Experian  
NCAC  
PO Box 9556  
Allen, TX 75013-9556

Experian  
Profile Management  
PO Box 9558  
Allen, TX 75013-9558

FRANCHISE TAX BOARD  
BANKRUPTCY SECTION MS A340  
PO BOX 2952  
SACRAMENTO CA 95812-2952

Franchise Tax Board  
PO Box 942867  
Sacramento, CA 94267-0001

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

MTGLQ Investors, LP  
c/o Rushmore Loan Management Services  
P.O. Box 55004  
Irvine, CA 92619-5004

Michael D. Madison, Sr.  
10736 Jefferson Boulevard, #633  
Culver City, CA 90230-4933

Michael Durand Madison, SR  
10736 Jefferson Blvd #633  
Culver City, CA 90230-4933

Michael S. Madison Sr.  
10736 Jefferson Boulevard, #633  
Culver City, CA 90230-4933

Rushmore Loan Management Services  
PO Box 52708  
Irvine, CA 92619-2708

Trans Union Corporation  
Attn: Public Records Department  
555 W Adams St.  
Chicago, IL 60661-3631

TransUnion Consumer Relations  
PO Box 2000  
Chester, PA 19016-2000

United States Trustee (LA)  
915 Wilshire Blvd, Suite 1850  
Los Angeles, CA 90017-3560

Letitia Louise Wellington  
PO Box 351000  
Los Angeles, CA 90035-9400

Michael Chekian  
11400 W. Olympic Blvd. #200  
Los Angeles, CA 90064-1584

Michael D. Madison Sr.  
c/o Stella Havkin  
5950 Canoga Avenue, Suite 400  
Woodland Hills, CA 91367-5037

Sanaz S Bereliani  
Bereliani Law Firm  
11400 W Olympic Blvd Ste 200  
Los Angeles, CA 90064-1584

Wesley H Avery (TR)  
758 E. Colorado Blvd., Suite 210  
Pasadena, CA 91101-5407



The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Los Angeles City Clerk  
P.O. Box 53200  
Los Angeles, CA 90053-0200

Internal Revenue Service  
Centralized Insolvency Operation  
Po Box 21126  
Philadelphia, PA 19114-0326

(d) Internal Revenue Service  
Insolvency I Stop 5022  
300 N Los Angeles St Ste 4062  
Los Angeles, CA 90012-3313

(d) Internal Revenue Service  
PO Box 21126  
Philadelphia, PA 19114-0326

(d) Internal Revenue Service  
PO Box 660002  
Dallas, TX 75266-0002

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Courtesy NEF

(u) Menchaca & Company LLP

(u) US Bank Trust NA

(u) US Bank Trust US Bank Trust National Assoc

(d) Franchise Tax Board  
Bankruptcy Section MS A340  
PO Box 2952  
Sacramento, CA 95812-2952

(u) Amos Wellington

(u) Dennis E McGoldrick

(u) Jan Neiman  
Neiman Realty, Inc.

End of Label Matrix  
Mailable recipients 29  
Bypassed recipients 8  
Total 37